

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PI-00642-PCT	See Notification of Transmittal of International FOR FURTHER ACTION Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE 03/03665	International filing date (<i>day/month/year</i>) 05 Nov 2003	Priority date (<i>day/month/year</i>) 08 Nov 2002
International Patent Classification (IPC) or national classification and IPC B60J7/12		
Applicant WILHELM KARMANN GMBH et al.		

1. This report is the international preliminary examination report established by this International Preliminary Examining Authority and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets including this cover sheet.

☒ This report is also accompanied by ANNEXES, which are sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of a opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 14 July 2004	Date of completion of this report 21 Feb 2005
Name and mailing address of the designated International Preliminary Examining Authority: _____ European Patent Office D-80298 München (Logo) Phone: +49 89 2399 - 0 Telex: 523656 cpmu d Fax: + 49 89 2399 - 4465	Authorized officer Schmid, K (seal: European Patent Office) Phone No. +49 89 2399 8876

I. Basis of the report

1. With regard to the elements of the international application (*substitute sheets which have been furnished to the receiving office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (rules 70.16 and 70.17)*):

Description, pages:

1-21 as originally filed

Claims, Nos.:

2-29 as originally filed
1 received on 14 July 2004, with correspondence of 09 July 2004

Drawings, sheets:

1/20-20/20 as originally filed

2. With regard to the **language**: All of the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

The elements were available or furnished to this Authority in the following language: which is

- ☐ the language of the translation furnished for purposes of international search (Rule 23.1(b)).
- ☐ the language of the publication of the international application (Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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International Application No. PCT/DE 03/3665

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered by the Authority to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheets containing such amendments must be referred to under Item 1.; they must be annexed to this report).

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement
- | | | | |
|-------------------------------|------|--------|------|
| Novelty (N) | yes: | claims | 1-29 |
| | no: | claims | |
| Inventive Step (IS) | yes: | claims | 1-29 |
| | no: | claims | |
| Industrial Applicability (IA) | yes: | claims | 1-29 |
| | no: | claims | |
2. Citations and explanations
see supplemental sheet

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SUPPLEMENTARY PAGE****International Application No. PCT/DE03/03665**

Re Item V**Claim 1**

Document DE-A 199 55 404 (D1), which is regarded as the closest state of the art, discloses a generic convertible top for a convertible vehicle.

The problem to be solved consists of reducing the material demand and the packing height in a folded position when the top is down in the case of a soft top (page 2, paragraph 3).

The solution to this problem consists of converting the rear window and the outer roof frame profiles of the rear-end roof segment rearward into a folded position in an essentially non-rotational movement with both moving in the same direction.

The known prior art does not give any hint of such kinematics for the convertible top, and therefore the content of Claim 1 should meet the requirements of Article 33 PCT.

Claims 2-29

The features of the dependent Claims 2 – 29 relate to refinements of the method according to Claim 1 and therefore Claims 2 – 29 should also meet the requirements of Article 33 PCT.

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Wj/P-00642 WO
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International Patent Application No. PCT/DE2003/003665

New Patent Claim 1

1. Convertible top for a convertible vehicle (2) having a rear-end roof segment (6) and at least one additional roof segment (7, 8), with the roof segments (6, 7, 8) being foldable in accordion fashion via a convertible top mechanism, and at least the rear-end roof segment (6) being designed with a flexible roof membrane (3) forming a soft top, the roof membrane being accommodated between outer roof frame profiles (9, 10, 11) arranged in symmetrical opposition with a vehicle longitudinal axis (33) and a dimensionally stable rear window (12),
characterized in that
the rear window (12) and the outer roof frame profiles (9) which are assigned to the rear-end roof segment (6) are converted into a folded position toward the rear when the top (1) is down or is converted out of the folded position toward the front in an essentially non-rotational movement in the same direction.